

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN PORTIS,

No. C 07-5285 WHA (PR)

Plaintiff,

**ORDER OF DISMISSAL**

v.

Correctional Officer ALVAREZ;  
Lieutenant ERIC EVANS; and  
Correctional Officer FETUS,

Defendants.

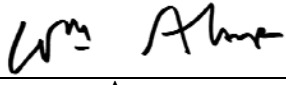
This civil rights case was opened when plaintiff mailed to the court a complaint on the court's form, captioned as above. Plaintiff has another case here with the same parties, C 07-2807 WHA (PR), *Portis v. Evans*. The complaint in that case was dismissed with leave to amend in an order entered on July 23, 2007. The time to amend was extended to September 28, 2007. The document which has been treated as commencing *this* case was filed on October 17, 2007, and the signature on it is dated September 21, 2007. Attached to the complaint are copies of the Court's order dismissing C 07-2807 WHA (PR) with leave to amend, among other exhibits.

Despite the Court's instruction to plaintiff to put the words "Amended Complaint" on the front of his amendment, he did not do so and thus the amended complaint was understandably treated as commencing a new case. This case is **DISMISSED** as opened in error. No fee is due.

1 The clerk shall copy the complaint and exhibits filed in this case and, to make a record,  
2 place the copies in the file for this case, then file the originals as an amended complaint in C 07-  
3 2807 WHA (PR), with a date of filing of October 17, 2007.

4 **IT IS SO ORDERED.**

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6 Dated: December 11, 2007.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE